

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

FRIDAY, THE 23RD NOVEMBER 2007 / 2ND AGRAHAYANA 1929

Crl.MC.No. 3479 of 2007()

PETITIONER: PETITIONERS/ACCUSED 1 TO 4

1. C.KUTTIKRISHNA KURUP
CHERIYIL HOUSE, CHERUVALLOOR,
KORATTY, TRICHUR.
2. NALINI, W/O. KUTTIKRISHNA KURUP
CHERIYIL HOUSE, CHERUVALLOOR,
KORATTY, TRICHUR.
3. C.GOPALA KURUP. AGED 76 YEARS
CHERIYIL HOUSE, CHERUVALLOOR,
KORATTY, TRICHUR.
4. HYMAVATHY, AGED 60 YEARS,
W/O. GOPALA KURUP,
CHERIYIL HOUSE, CHERUVALLOOR,
KORATTY, TRICHUR.

BY ADV. SRI.C.HARIKUMAR
SRI.ARAVINDA KUMAR BABU T.K.

RESPONDENT: STATE:

1. STATE OF KERALA REP. BY
PUBLIC PROSECUTOR, HIGH COURT OF KERALA
ERNAKULAM, COCHIN 682031.
2. GANGADHARAN, KAIMIPARAMBIL HOUSE
UNNALLOOR, PUZHAKARA.

BY PUBLIC PROSECUTOR SRI.M.S.BREEZ

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION
ON 23/11/2007, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:

R.BASANT, J.

Crl.M.C.No.3479 of 2007

Dated this the 23rd day of November 2007

O R D E R

The short grievance of the petitioner is that a second F.I.R has been registered while former one registered earlier was pending.

2. After discussions at the Bar, I do not find merit in the objection raised. The alleged first F.I.R is crime No.356/07 of Mala police station registered under the caption 'man missing'. There is no cognizable offence alleged or revealed in the F.I statement of that case. The information about man missing is recorded in the form prescribed for recording of first information under Section 154 Cr.P.C. But that does not alter the legal status of such report to an F.I.R under Section 154 Cr.P.C. In that view of the matter, the later F.I.R which was registered as Crime No.285/07 of Koratty police station has to be reckoned as the real and the only F.I.R filed in accordance with law under Section 154 Cr.P.C. I do not find any merit in the grievance raised in this Criminal Miscellaneous Case.

3. This petition is accordingly dismissed.

(R.BASANT, JUDGE)

jsr // True Copy//

PA to Judge

R.BASANT, J.

CRL.M.CNo.

ORDER

21ST DAY OF MAY2007